



DATE DOWNLOADED: Fri Feb 10 15:25:19 2023

SOURCE: Content Downloaded from [HeinOnline](https://heinonline.org/HOL/License)

Citations:

Bluebook 21st ed.
1905 598 .

ALWD 7th ed.
, , 1905 598 .

Chicago 17th ed.
", " Minnesota - General and Special Laws, 34th Session : 598-625

AGLC 4th ed.
" Minnesota - General and Special Laws, 34th Session 598

OSCOLA 4th ed.
" 1905 598

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

H. F. No. 794.

CHAPTER 344.

Game
and fish.

An act for the preservation, propagation, protection, taking, use and transportation of game and fish, and certain harmless birds and animals.

GENERAL PROVISIONS.

Be it enacted by the Legislature of the State of Minnesota:

Term of
present com.

SECTION 1. Game and Fish Commission—Appointment—Terms—A state game and fish commission is hereby created, consisting of five (5) members to be appointed by the governor for a term of four (4) years each. Those heretofore appointed pursuant to chapter three hundred thirty-six (336) of the laws of 1903 shall continue in office until the expiration of their respective terms. Vacancies arising from any cause shall be filled by the governor. Members shall serve without compensation except for necessary expenses to be paid upon an itemized statement thereof duly audited by said commission.

SEC. 2. Office—Said commission shall have an office in the capitol and be supplied with suitable stationery, a seal and blanks and postage for the transaction of its business.

SEC. 3. General Powers—Duties—Said commission shall enforce the laws of this state involving the protection and propagation of all game animals, game birds, fish and harmless birds and animals.

Said commission shall have general charge of—

Propagation
and pro-
tection.

1. The propagation and preservation of such varieties of game and fish as it shall deem to be of public value.

Statistics.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this act.

Fish
hatcheries.

3. The construction, control and management of all state fish hatcheries, including the control of grounds owned or leased for such purposes.

Spawn or
fry from
U. S. com.
of fisheries
and others.

4. The receiving from the United States commissioner of fisheries or other person, and the gathering, purchase and distribution to the waters of this state, of all fish spawn or fry.

Stocking
of waters.

5. The taking of fish from the public waters of the state for the propagation and stocking of other waters therein.

6. The seizure and disposition of all game birds, game animals and fish, either taken, killed, transported or possessed contrary to law, of all dogs, guns, seines, nets, boats, light, or other instrumentalities unlawfully used or held with intent to use, in pursuing, taking, attempting to take, concealing or disposing of the same.

Seizure and disposition.

SEC. 4. Reports—Records—Said commission shall on or before December 1st of each year, submit to the governor a detailed report of its actions, including the amount of money received from all sources, an inventory of all game, fish, guns, dogs, seines, nets and other property seized and sold, with the names of the purchasers, and the amount received, and an itemized statement of its disbursements. The books and vouchers of said commission shall be subject to examination by the public examiner at all times.

Report to governor annually before Dec. 1.

Subject to examination by public examiner.

SEC. 5. Executive Agent—The commission shall appoint one of its members its executive agent, who shall devote all his time to the discharge of his duties, and shall receive compensation therefor to be fixed by the said commission, not exceeding two thousand (\$2,000) dollars per year. He shall act as such executive agent during the pleasure of the commission and be subject to its direction. When the commission is not in session, he is hereby authorized to exercise in its name, all the rights, powers and authority vested in said commission. Before entering upon the discharge of his duties he shall give a bond to the State of Minnesota, with sureties or security to be approved by the commission, in the penal sum of five thousand dollars (\$5,000), conditioned for the faithful accounting of all state property coming into his hands.

Appointment of executive agent, salary, duties, etc.

Bond.

SEC. 6. Employees—The commission may appoint and remove at pleasure, a superintendent of fisheries, at a salary not exceeding three thousand dollars (\$3,000) a year, and such assistants as may be necessary. It may also employ a sufficient number of game wardens, other persons, and office assistants, as may be necessary to carry out the purposes of this chapter, and fix their periods of service and compensation.

Supt. of fisheries, game wardens and office force.

SEC. 7. Other Officials—Attorney—The county attorneys, sheriffs, constables and other peace officers, are hereby required, and it is made their duty, to enforce the provisions of this chapter and the commission may employ an attorney or attorneys to perform such legal services as said commission may require. He shall appear

Duties of Co. Attorney and others.

for said commission in all civil actions in which it or its wardens may be interested officially, and may assist the county attorney in the prosecution of criminal actions arising under this chapter, and when for any reason the county attorney does not prosecute such criminal actions, he may conduct such prosecutions on behalf of the state with the same authority as the county attorney. The compensation to be paid said attorney shall be fixed by the commission and paid out of the funds provided for the enforcement of this act.

Who may
serve.

SEC. 8. Execution of Writs.—The executive agent of said commission, all members and all wardens appointed by said commission, shall have full power and authority to serve and execute all warrants and process of law issued by the court in enforcing the provisions of this act, or any other law of this state relating to the preservation and protection of game and fish, in the same manner as any constable or sheriff may serve and execute the same and for the purpose of enforcing the provisions of this chapter, they may call to their aid any sheriff, deputy sheriff, constable or police officer, or any other person, and it shall be the duty of all sheriffs, deputy sheriffs, constables or police officers and other persons, when called upon, to enforce and aid in enforcing the provisions of this chapter.

SEC. 9. Bonds—The following appointees shall give bonds to be approved by the commission and filed in the office of the secretary of state, conditioned for the faithful discharge of their respective duties, in the following amounts:

Amount.

First—Superintendent of fisheries, one thousand dollars (\$1,000).

Second—Each game warden five hundred dollars (\$500).

Meaning of
words; sell,
sale, person,
possession,
etc., de-
fined.

SEC. 10. Terms Defined—Agency no excuse. The words “sell” and “sale” as used in this chapter shall be construed as meaning any sale of (or) offer to sell or having in possession with intent to sell, use or dispose of the same contrary to law. The word “person” shall be deemed to include partnerships, associations, and corporations, and no violation of any provisions of this chapter shall be excused for the reason that the prohibited act was done as the agent or employe of another, nor that it was committed by or through an agent or employe of the person charged. The word “possession” shall be deemed

to include both actual and constructive possession as well as the control of the article referred to. The terms "waters of this state" shall be held to include all the boundary waters of the state, and the provisions of this chapter shall be deemed to extend and be in force and effect over, upon and in all thereof. The terms "any part thereof" or "the parts thereof," whenever used in this chapter shall be deemed to include the hides, horns and hoofs of any animal so referred to, and the plumage and skin and every other part of any bird so referred to. The terms "fur bearing animals" shall not be deemed to include deer, moose or caribou.

SEC. 11. Inspection of Hotels, Etc.—The game and fish commission and all game wardens shall inspect from time to time hotels, restaurants, cold storage houses or plants and ice houses commonly used in storing meats, game or fish for private parties, including all buildings used for a like purpose, for the purpose of determining whether game or fish are kept therein in violation of the provisions of this chapter. Any person, in possession or control, or in charge of any hotel, restaurant, storage plant or building referred to, or any part thereof, who refuses or fails to permit any member of the game and fish commission or any warden appointed by said commission to enter any such building or any part thereof, or any receptacle therein; for the purpose of making such inspection, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty (50) or over one hundred (100) dollars, including costs of prosecution, or imprisonment in the county jail for a term of not less than thirty (30) or over ninety (90) days for the first offense, and upon conviction for a second offense shall be punished by imprisonment in the county jail for a period of not less than sixty (60) or over ninety (90) days.

Power to enter hotels, etc., to determine whether law is violated, given commission and its agents.

Inspection refused or hindered, penalty.

SEC. 12. Contraband Game, Seizure and Search—Any bird, animal, fish or any part thereof, caught, killed, shipped or had in possession or under control contrary to any of the provisions of this chapter, is hereby declared to be contraband.

The game and fish commission, all game wardens, sheriffs and their deputies, constables and police officers, shall seize and take possession of any and all birds, animals, or fish or any part thereof which have been caught, taken, killed or had in possession or under control or

Probable
cause suf-
ficient for
court to
issue such
warrant.

shipped contrary to any of the provisions of this chapter. Any court having jurisdiction may upon complaint showing probable cause for believing that any bird, animal, fish or any part thereof caught, taken, killed or had in possession or under control by any person, or shipped or transported contrary to the provisions of this chapter, is concealed or illegally kept in any building, car or receptacle, shall issue a search warrant and cause a search to be made in any such place for any such birds, animals, fish or any part thereof, and may cause any building, inclosure or car to be entered, and any apartment, chest, box, locker, crate, basket, package, or any other receptacle whatever to be broken, opened and the contents thereof examined. All such officers taking or seizing any such birds, animals or fish, or any part thereof, shall at once report all the facts attending the same to the commission.

Declared a
public
nuisance.
Command
to seize
and destroy
without
warrant.

SEC. 13. Contraband Devices—All nets, seines, lanterns, snares, devices, contrivances and materials, while in use, or had, or maintained, for the purpose of catching, taking or killing, or attracting or deceiving any bird, animal, or fish contrary to any provision of this chapter, within this state or upon or in the boundary waters thereof, including fish houses, inclosures or other sheltering structures or appliances erected or maintained upon the ice or in any water, or on the shore of any lake, pond or stream, is hereby declared to be and is a public nuisance. The commission, all game wardens, sheriffs and their deputies, constables and police officers shall without warrant or process, take, seize, abate and destroy any and all of the same while being used, had or maintained for such purpose and no liability shall be incurred therefor to any person.

Participant's
testimony
not incrim-
inating.

SEC. 14. Witnesses—In any prosecution under the provisions of this chapter, a participant in the violation thereof may testify as a witness against any other persons violating the same, without incriminating himself, any criminal proceeding for such violation.

Prosecutions
must be
made within
2 years.

SEC. 15. Limitations—All prosecutions under this chapter shall be commenced within two years (2) from the time the offense was committed.

For breeding
and scientific
purposes.

SEC. 16. Exchange Specimens—The commission may secure by purchase or otherwise, and exchange specimens of game birds, game animals or fish with the game commission or state game warden of other states for breeding purposes, and not otherwise; and may also grant

permission under the seal of said commission, to any accredited representative of any incorporated society of natural history to collect for scientific purposes only, nests, eggs, birds, animals or fish protected by this chapter. Such specimens shall not be sold or transferred.

SEC. 17. Fishways—Any person owning, erecting, managing or controlling any dam or other obstruction across any river, creek or stream, within or forming the boundary line of this state, shall construct in connection with such dam, durable and efficient fishways in such a manner and of such shape and size that the free passage of all fish inhabiting such waters shall not be obstructed. Such fishways shall be maintained in such condition and kept in good repair by the person so owning, controlling, managing, operating or using such dam or obstruction.

Dams to
have free
passageways.

If any such person fails to construct or keep in good repair durable and efficient fishways as herein provided, for the space of ten (10) days after notice, the commission may construct or repair the same and the cost thereof may be recovered from the owners or any person managing or being in control thereof, in a civil action brought in the name of the State of Minnesota. Any money so recovered shall be credited to the game and fish commission.

Failure to
construct
or keep.

All fishways heretofore or hereafter erected in any dam or obstruction across any of the streams of this state, shall at all times be under the supervision and control of the commission.

To be under
supervision.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 18. Sawdust Deposits—Any person who deposits any sawdust or other refuse in any streams or water wherein the commission has deposited fish fry, or may deposit any such fry, or where any brook trout naturally abound, shall be deemed guilty of a misdemeanor.

A crime.

SEC. 19. Disposition of fines—All fines collected under any of the provisions of this chapter shall be paid into the county treasury of the county wherein the conviction was had, to the credit of the general revenue fund.

Paid in to
Co. treasury.

SEC. 20. Disposition of Other Moneys—All moneys collected by the commission upon licenses issued by it, or bonds or contracts entered into with any person, including money received from all other sources, except fines, shall be paid into the state treasury and credited to the game

Credited to
game and
fish commis-
sion fund.

and fish commission fund to be used for the purpose of enforcing the provisions of this chapter.

To other
than game
wardens.

SEC. 21. Rewards—The commission is authorized to offer and pay out of the funds subject to its order, a reward of ten dollars (\$10) for the arrest and conviction of any person violating any provision of this chapter, to the person making such complaint, upon proof that a fine amounting to ten dollars (\$10) has been paid into the county treasury by the person so convicted, *provided, further*, this section shall not apply to game wardens regularly employed under pay by said commission.

Permits.

SEC. 22. Domesticated game and fish: Complaint—Presumption. The commission may issue permits to breed or domesticate deer, moose, elk and caribou upon application to it which shall contain:

1. The name and address of applicant.
2. A description of the premises on which applicant will keep such domesticated animals.
3. The number and kinds of animals in possession at the time of making the application and whether they are wild or domesticated.

Application
fee, report.

The application shall be accompanied by a fee of fifty cents (.50) for each animal in possession. The commission may thereupon issue a permit to the applicant to keep such animals. Any person holding such permit shall annually on the first day of January report to the commission any increase or decrease had upon the original number applied for, together with a fee of 50 cents for each additional animal. The commission shall keep a record of all persons holding such permits and shall send to them numbered tags to be attached to each of the animals.

To sell, or
ship.

Any such animals may be sold or shipped within or without the state upon receipts of written permission to do so from the commission.

Private
hatcheries.

Persons desiring to maintain a private hatchery for the propagation of trout may do so upon application to said commission giving the name and address of the person owning or controlling the same and a mark used to designate it. Trout grown in such hatcheries may be sold and shipped within or without the state in boxes or packages upon which such mark is placed.

Evidence as
to violations.

Provided, however, that in any prosecution for any violation of any of the provisions of this chapter it shall not be necessary for the prosecution to allege or prove that the birds or animals were not domesticated or that

the trout were not grown in a private hatchery or that the birds, animals or fish were not taken for scientific purposes, but the person claiming that such birds, or animals were domesticated, or the trout grown in a private hatchery, or that the said birds or animals were taken for scientific purposes, as herein provided, shall prove on the hearing or trial that such birds or animals were domesticated, or that such trout were grown in a private hatchery or that such birds or fish were taken for scientific purposes as by law provided, or were not caught, taken or killed outside this state, or had in possession without license or permit therefor.

GAME BIRDS AND ANIMALS.

SEC. 23. Ownership in State—No person shall at any time or in any manner acquire any property in, or subject to his dominion or control, any of the birds, animals or fish or any part thereof of the kinds herein mentioned, but they shall always and under all circumstances be and remain the property of this state; except, that by killing, catching or taking the same in the manner and for the purposes herein authorized, and during the periods when their killing is not herein prohibited, the same may be used by any person at the time, in the manner and for the purposes herein expressly authorized; and whenever any person kills, catches, takes, ships or has in possession, or under control, any of the birds, animals or fish, or any part thereof, mentioned in this chapter, at a time or in a manner prohibited by this chapter, such person shall thereby forfeit and lose all his right to the use and possession of such bird, animal or fish, or any part thereof, and the state shall be entitled to the sole possession thereof.

Except as in
this act pro-
vided.

SEC. 24. Nests and Eggs—No person shall at any time take or have in possession or under control, break up or destroy or in any manner interfere with any nest, or the eggs of any of the kinds of birds, the killing of which is at any or all times prohibited.

Prohibitions.

SEC. 25. Manner of Taking—No person shall at (any) time, catch, take or kill any of the birds or animals mentioned in this chapter, in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same.

Do.

SEC. 26. Traps, Snares, Lights, Etc.—No person shall at any time set, lay, prepare, or have in possession

Do.

any trap, snare, artificial light, net, bird lime, swivel gun or set gun or any contrivance whatever, for the purpose of catching, taking or killing any of the game animals or birds in this chapter mentioned, except that decoys and stationary blinds may be used in hunting wild geese, brant and ducks.

Decoys.

Further prohibitions.

SEC. 27. Shooting After Dark—Sink—Boats, Etc.—No person shall at any time hunt with or shoot from any boat, canoe or contrivance or device whatever on any of the waters in this state between dark and daylight, and no person shall at any time make use of, hunt with or shoot from any floating battery, sink boat, sunken barrels, boxes, tubs, floating blinds or any similar device whatever, on any of the waters of this state.

Do.

SEC. 28. Shooting With Dogs—No person shall hunt, pursue, catch, take or kill any of the animals in this chapter mentioned, with any dog or dogs. Any dog or dogs used or attempted to be used in violation of any of the provisions of this section is hereby declared to be and is a public nuisance, and it shall be lawful for any person to kill any dog or dogs so being used or attempted to be used. The use or running of either pointer or setter dogs in fields or upon lands frequented by or in which game birds may be found during the month of August, or at any time except during the open season for killing game birds, and the keeping and maintaining of any dog at or about any hunting camp or lumber camp used by hunters, situated in any locality frequented by deer, moose or caribou, is hereby prohibited and made unlawful.

Do.

SEC. 29. Entering Growing Grain—No person shall at any time enter into any growing or standing grain not his own with intent to take, or kill any bird, or animal, nor permit any dog with which he shall be hunting to do so for such purpose, without permission from the owner or person in charge thereof. No person shall at any time enter upon any land not his own with intent to take or kill any birds or animals after being notified by the owner or occupant thereof not to do so. Such notice may be given orally or by posting written or printed notices to that effect, in the English language, in conspicuous places on the land so protected.

Do.

SEC. 30. Game Killed in Another State—No person shall at any time have in his possession or under his control within this state any bird, animal or fish, or any

part thereof, which has been caught, taken or killed outside of this state at a time when it is unlawful to have in possession or under control such birds, animals or fish, or parts thereof, if caught, taken or killed in this state, or which have been unlawfully taken or killed outside this state, or unlawfully shipped therefrom into this state.

SEC. 31. Possession of Game and Fish, Presumption—The possession or having under control by any person of any bird, animal or fish, or any part thereof, the killing of which is at any time herein prohibited, shall be prima facie evidence that it was the property of this state at the time it was caught, taken and killed (in this state), also that such possession or having under control at any time when the killing, taking or possession thereof is by this chapter declared to be unlawful, shall be prima facie evidence that such taking and killing occurred during the closed season, unless there remains attached to such game bird or animal or any part thereof, the tag and seal of the state game and fish commission, provided for by this chapter to disprove which it shall be necessary for the party in possession thereof to show that at the time it was caught, taken or killed, it was lawfully caught, taken or killed outside, or within this state, or that it was lawfully caught, taken or killed within the state and that he was lawfully in possession thereof.

Prima facie
evidence of
possession.

SEC. 31½. Nothing in this act shall be construed as prohibiting the buying, shipping or having in possession at any time the skins of fur-bearing animals killed within or without the state, or hides of moose, deer or caribou killed without the state upon proof that the hides were so taken. *Provided, however,* that raw hides of moose, deer or caribou taken or killed within this state out of season shall not be bought or sold at any time.

Skins of fur
bearing
animals.

SEC. 32. Game Birds—Season for Killing—No person shall hunt, take, kill, ship, convey or cause to be shipped or transported by common or private carrier, to any person either within or without the state, expose for sale, sell to any one, have in possession with intent to sell, or have in possession or under control, at any time, any turtle dove, snipe, prairie chicken, pinnated, white-breasted or sharp-tailed grouse, quail, partridge, ruffed grouse. Chinese, ring-neck or English pheasant, wild duck of any variety, wild goose of any variety, brant or any variety of aquatic fowl, whatever, or any part there-

Prohibitions.

Open season.

of, except: 1—That any turtle dove, snipe, prairie chicken, pinnated, white-breasted or sharp-tailed grouse, woodcock, upland plover and golden plover may be killed and had in possession between the first day of September and the first day of November following. 2nd—That any quail, partridge, ruffed grouse or pheasant, other than Mongolian, Chinese ring-neck or English pheasant, may be killed or had in possession between the first day of October and the first day of December following. 3rd—That wild duck of any variety, wild goose of any variety, brant or any variety of aquatic fowl whatever, may be killed and had in possession between the first day of September and the first day of December following.

Number of
birds
allowed.

And when any of the birds mentioned in this section have been lawfully caught, taken, killed or had in possession within the time herein allowed, they may be had in possession for five (5) days thereafter. But no person shall in any one day take or kill more than fifteen (15) birds or have in his possession at any time more than forty-five (45) turtle dove, prairie chicken, white-breasted or sharp-tailed grouse, quail, partridge, ruffed grouse or pheasant, woodcock, upland plover, golden plover or any or all of the same combined, or fifty (50) snipes, wild duck, goose, brant, or any variety of aquatic fowl, whatever, or any or all of the same combined.

Open season.

Number of
deer and
moose
allowed.

SEC. 33. Deer and Moose—Season for Killing—No person shall hunt, catch, take, kill, ship, convey or cause to be shipped or transported by common or private carrier, to any person, either within or without the state, or purchase expose for sale, have in possession with intent to sell, sell to any person, or have in possession or under control at any time, any elk, moose, caribou, deer or fawn, or any part thereof, including the hides and horns, except as hereinafter provided. *Provided*, that deer may be killed between Nov. 10 and Nov. 30 of the same year, and any deer or any part thereof, may be had in possession by any person during the same time; but no person shall kill or have in possession during said time more than two (2) deer, or parts thereof; and *provided further*, that any person who is lawfully in possession of any deer, or any part thereof, may ship or cause the same to be shipped in the manner provided for by this chapter, but not otherwise; and *provided, further*, that male antlered moose may be killed between Nov. 10th and Nov. 30th of the same year, and any such male moose, or

part thereof, may be had in possession by any person during the time aforesaid, but no person shall kill or have in possession during said time more than one (1) male moose, or part thereof; and *provided, further*, that when any deer or such male moose or any part thereof, are lawfully in the possession of any person as provided for in this chapter, such person may continue in the possession of the same for five (5) days after the time herein limited for killing said animals; and *provided, further*, that no cow or female moose can be killed or had in possession at any time.

SEC. 34. Resident License—Shipment of Game—Every resident of this state is prohibited from hunting, taking or killing any game bird or game animal, unless he shall have first procured a license therefor from the county auditor of the county in which he resides; except that any citizen of this state may hunt, take or kill any of the game birds mentioned in this chapter in the county in which he is a bona fide resident without having a license to so hunt. Said auditor shall upon application issue to such person under his seal, upon blanks to be furnished him by the game and fish commission, a license to hunt game animals and game birds, upon the payment to him of a license fee of one dollar (\$1), which license shall expire on the 31st day of December following its issuance. Ten cents of the amount received for the issuance of said license shall be retained by the county auditor as his fee, and the balance remitted to the state treasurer, who shall credit the same to the game and fish commission fund to be used for the purpose of enforcing the provisions of this chapter. Every such applicant shall prove to the satisfaction of the county auditor that he is a bona fide resident of this state, and shall state, under oath, his name, resident and postoffice address. Only one of such licenses shall be issued to any person and it shall not be transferable, and it is hereby made the duty of such licensee to exhibit the same to any person upon request. Such license shall describe the licensee, designate his place of residence, and shall have attached thereto three (3) coupons upon which shall be printed respectively the words, "moose," "deer," and "game birds." Each coupon, except the ones marked "deer" and "game birds," shall be divided into two (2) sections lettered respectively "A" and "B." The coupons marked "deer" and "game birds" shall be divided into four (4) sections, two (2) of which

No license
required
in home
county.

County
auditor's
issue.

License,
coupons, etc.

Shipping
game.

shall be lettered "A" and two (2) "B." Any resident who has paid said fee and procured such license to hunt game animals and game birds may during the open season hunt, take and kill one (1) male antlered moose, two (2) deer and also game birds, in the manner and subject to the limitations and conditions prescribed by this chapter, and may ship by common carrier in the manner herein provided, and not otherwise, to any point in the county in which he resides, one (1) male antlered moose, and two (2) deer, or any part thereof, and fifty (50) game birds, in two shipments of not to exceed twenty-five (25) birds, each, so lawfully shot or had in his possession. Said game animals and game birds may be shipped by said licensee to himself at his place of residence by common carrier, upon attaching to such game animals or any part thereof, or game birds, respectively, section "B" of said coupon. Upon receiving such game it is made the duty of said common carrier to detach from the license section "A" of said coupon and at once forward the same by mail to the game and fish commission.

Game as
baggage.

Provided, however, that nothing in this chapter contained shall be deemed or construed to prevent any resident of this state from personally carrying with him as baggage, on any train or conveyance, any game birds or fish which may be legally in his possession and any common carrier is hereby permitted to carry any such game birds or fish as baggage, when the same is so accompanied and carried on the same train or conveyance by the person who is legally in possession of the same.

Prohibition
as to em-
ployes of
common
carriers.

Provided further, that nothing herein contained shall be construed to permit employes of a common carrier to carry any such game birds, animals or fish or parts thereof with them, whether as baggage or otherwise, while engaged in the performance of the duties of their said employment, and they are specifically prohibited from so doing.

Fee.

SEC. 35. Non-resident License—Shipment of Game—Every person not a resident of this state is prohibited from hunting, taking or killing any game bird or game animal unless he shall have first procured a license therefor from the game and fish commission. Said commission shall upon application issue to any non-resident, a license to hunt game animals, upon the payment to it of a license fee of twenty-five dollars (\$25) and to hunt game birds upon the payment to it of a license fee of

ten dollars (\$10), which license shall expire on the 31st day of December following its issuance.

Said license to hunt game animals shall describe the licensee, designate his place of residence, and shall have attached thereto two (2) coupons divided into three (3) sections, lettered respectively "A," "B" and "C." The words "deer" and "moose" shall be printed upon the coupons attached thereto. Any non-resident who has paid said fee and procured such license to hunt game animals, may during the open season, kill in the manner authorized by this chapter, one (1) male antlered moose, and one (1) deer, and also ship such deer so killed by him to his said place of residence outside the state, upon attaching to such game animal, or any part thereof, respectively, sections "B" and "C" of said coupon, and ship such moose to any place within the state by attaching section "B" of said coupon. Upon receiving said game, it is the duty of said common carrier to detach from the license section "A" of said coupon and at once forward the same by mail to the commission. Sections "B" and "C" of said coupons must remain on said deer, or part thereof, so shipped outside the state while in transit in this state, and section "C" of said coupon must be detached by said common carrier at the last station or place in this state where the train or other conveyance of such common carrier shall stop, and it shall be the duty of said common carrier to forward section "C" of said coupon to the game and fish commission immediately upon being detached.

Shipping
game by
non-resident.

Said license to hunt game birds shall describe the licensee, designate his place of residence and shall have attached thereto one (1) coupon divided into three (3) sections, lettered respectively, "A," "B" and "C." The words "game birds" shall be printed upon the coupon attached thereto. Any non-resident who has paid said fee and procured a license to hunt game birds, may hunt, take and kill game birds, in the manner authorized by this chapter, during the open season, subject to the limitations applicable to residents of this state, and may ship to his place of residence outside this state twenty-five (25) game birds so lawfully shot and taken by him, upon attaching to such game birds sections "B" and "C" of said coupon. Upon receiving said game birds, it is the duty of said common carrier to detach from the license section "A" of said coupon, and at once forward the same by mail to

the game and fish commission. Sections "B" and "C" of said coupon must remain on said game birds while in transit in this state, and section "C" of said coupon must be detached by said common carrier at the last station or place in this state where the train or conveyance of such common carrier shall stop, and it shall be the duty of said common carrier to forward section "C" of said coupon to the game and fish commission immediately upon being detached.

Said licenses shall not be transferable, and it is hereby made the duty of said licensee to exhibit the same to any person upon request.

For viola-
tions of act.

SEC. 36. Forfeiture of License—Any person who shall violate any of the provisions of this chapter and who is at the time of such violation in the possession of a license duly issued to him, shall, upon conviction thereof, forfeit such license to the State of Minnesota, and such person shall deliver to the court before whom he was tried any such license, and the court shall forward the same to the commission.

Retaining
game during
closed sea-
son, appli-
cation.

SEC. 37. Retaining Game—Tags—Penalty—Any person who is a resident of this state and legally in possession of any of the game birds or game animals, or any part thereof, which have been caught, taken or killed at a time or in a manner permitted by the provisions of this chapter, and who is desirous of retaining possession of the same for his own use after the time in this chapter limited, and who shall before such time make application to the commission for leave to retain the same, which application shall be in writing and signed or sworn to by the applicant, and shall state:

First—The name and residence of the person in possession of such birds or animals, or parts thereof.

Second—The number, kind and location of said birds or animals or parts thereof, which number shall not exceed forty-five (45) turtle dove, prairie chicken, pinnated, white breasted or sharp-tailed grouse, quail, partridge, ruffed grouse or pheasant, woodcock, upland plover or golden plover, or any or all of the same combined, or fifty (50) snipe, wild duck, goose, brant or any variety of aquatic fowl whatever, or any or all of the same combined, two (2) deer or the parts thereof, one (1) male moose or the parts thereof for each applicant.

Third—That if permitted to retain the same by said commission the applicant will retain possession of said

birds and animals for his own use and will not ship, sell or dispose of the same.

If said commission is satisfied that said application is made in good faith and said applicant will keep said birds and animals and parts thereof for his own use and not for sale, the said commission shall cause tags or seals, which shall not be duplicated by others, and which shall not be removed, to be attached to each bird or animal, or parts thereof, not exceeding forty-five (45) turtle dove, prairie chicken, pinnated, white-breasted or sharp-tailed grouse, quail, partridge, ruffed grouse or pheasant, woodcock, upland plover or golden plover, or any or all of the same combined; or fifty (50) snipe, wild duck, goose or brant or any varieties of aquatic fowl whatever, or any or all of the same combined; two (2) deer or the parts thereof and one (1) male moose, or the parts thereof, for each applicant; or in lieu thereof, if any applicant therefor resides at a distance from any game warden, then the commission may issue to such applicant a written permit to keep and use such game.

Tag and
seals at-
tached to
game so
kept.

The person making such application shall, before said tags or seals are attached, pay to the commission the reasonable expense of making and attaching such tags and seals.

After the tags and seals have been so attached, or such permit received, the person holding such permit may, while the tags or seals remain upon said birds and animals and parts thereof, retain possession of the same until consumed; *provided*, that nothing in this chapter contained shall prevent a person from disposing of as a gift any of the birds and animals mentioned herein. The having in possession of any game bird or animal or any part thereof which is not so tagged and sealed, or for which a retention permit has not been received, except during the open season and five (5) days thereafter, is hereby made unlawful. Any such game bird or game animal, or any part thereof, had or held in possession by any person during the season when it is unlawful to have the same in possession, is hereby declared contraband and the right of any such person to retain or use the same shall cease. Any person who shall destroy, imitate or duplicate any tag or seal attached to any bird or animal, or part thereof, or who shall ship, sell or dispose of any bird or animal, or any part thereof, which has been tagged or sealed as aforesaid, or for which a permit to keep and use the same

Game kept
without per-
mit, contra-
band.

Fine.

has been issued, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25) nor more than fifty dollars (\$50) and costs of prosecution, or by imprisonment in the county jail for not less than thirty (30) nor more than sixty (60) days for each and every bird or animal or part thereof, so shipped, sold or disposed of.

Close season, exception.

SEC. 38. Mink, Muskrat, Otter, Beaver—No person shall catch, take or kill any mink, muskrat, otter or beaver between the first day of May and the first day of November following. *Provided*, that when any of the animals mentioned in this section are doing damage to or destroying any property the persons whose property is being damaged or destroyed may kill them at any time.

Prohibitions.

SEC. 39. Harmless Birds—Game Birds Defined—No person shall catch, take, kill, ship or cause to be shipped to any person within or without the state, purchase, offer or expose for sale, sell to any one, have in possession with intent to sell, or have in possession or under control at any time, living or dead, any wild bird other than a game bird, nor any part thereof, and for the purposes of this chapter the following only shall be considered game birds. The Antidas, commonly known as swan, geese, brant, river and sea ducks, the linolae, commonly known as plover, snipe and woodcock; the gallinae, commonly known as grouse, prairie chickens, pheasants, partridges and quail; *provided*, that blackbirds, crows, English sparrows, sharp-shinned hawks, cooper hawks and greathorned owls may be killed and had in possession at any time; but nothing herein contained shall be construed to prevent the keeping and sale of song birds as domestic pets.

Game birds defined.

Song and other birds.

FISH.

Closed season.

SEC. 40. Fish May be Taken, When. No person shall catch, take, kill or have in possession or under control, for any purpose whatever, and of the fish hereinafter mentioned within the periods herein limited, to-wit: Any variety of trout, except lake trout, between the first day of September and the fifteenth day of April following; any black, grey or Oswego bass between the first day of March and the twenty-ninth day of May following; any variety of pike, muskallonge, croppie, perch, sunfish, sturgeon, catfish or any other variety of fish between the first day of March and the first day of May following.

SEC. 41. Manner of Taking—No person shall catch, take or kill more than twenty-five (25) fish, except sunfish, perch, pickerel or bullheads in any one day, nor in any other manner than by angling for them, with a hook and line held in the hand, or attached to a rod so held, nor with more than one line or with more than one hook attached thereto; and no person shall have in his possession any fish caught, taken or killed in any of the waters of this state, except as provided in this chapter.

Limitations.

Provided, that pickerel, suckers, redhorse, carp and bullheads may be taken with a spear without limit at any time and artificial lights may be used in so doing.

Spearing.

Provided further, that in all of the inland lakes in this state, permission having been granted therefor, but not otherwise, a net may be used for the purpose of taking and catching whitefish or trelipies from November tenth to December tenth of the same year. Said net shall not exceed two hundred (200) feet in length and four (4) feet in width, and the meshes of said net shall not be less than three and one-half ($3\frac{1}{2}$) inches in size of mesh when the same is extended.

Permission to use nets, size, etc.

Any person desiring to use any such net shall first make application for a permit therefor to the commission, in writing, and shall state that the said net is to be used by them for the purpose of obtaining fish for their own domestic use and not for the purpose of sale, which application shall be accompanied by a fee of one dollar (\$1.00) for each net, but no person shall be permitted to use more than two (2) of such nets.

SEC. 42. Netting in Mississippi River Within State—Except in certain portions of the Mississippi river hereinafter defined, and in certain defined boundary waters of the state, a pound net, seine or dip net may be used in the Mississippi river from the Falls of St. Anthony to a point one thousand (1,000) feet above the mouth of the St. Croix river for catching sturgeon, redhorse, dogfish, buffalo fish, catfish, pickerel, carp and suckers, but no such net or seine shall be used within a distance of one thousand (1,000) feet from the mouth of any stream, and that the said pound net shall not exceed seventy-five feet in length, and the length of such seine shall not exceed one hundred and fifty (150) feet. The mesh in said net or seine shall not be less than two and one-half ($2\frac{1}{2}$) inches in the bar and five (5) inches when the same is extended, and before any such pound net or seine is used

Limitations.

St. Croix river.

the person desiring to use the same shall first make application therefor to the game and fish commission of this state for permission to use such net or seine, which application shall state the name of the person and the place where the applicant desires to use the same, and which application shall be accompanied by a fee of five dollars (\$5.00) for every net desired to be used.

Permit for
1 season.

The commission may issue such a permit for the use of such net or seine to such applicant, which permit shall be for one season only. The person to whom such permit or license is issued shall not change the location of such net or seine without first giving written notice of his intention to do so to the commission, and in such notice describing the place to which he intends to remove his or her net or seine.

Commission
may li-
cense.

SEC. 43. Netting in International Waters—Penalty—The game and fish commission is hereby authorized to license the use, in international waters, of pound nets of the character and subject to the regulations hereinafter contained, and to issue licenses therefor.

Regulations.

The size of the mesh of the pot or pound of the pound net shall not be less than one and three-quarters ($1\frac{3}{4}$) inches, bar measure, or three and one-half ($3\frac{1}{2}$) inches extension measure. Said pound nets may be set in strings, but no string of such nets shall exceed three (3) in number and the leads of such nets shall in no case exceed the following lengths: The shore lead eighty (80) rods and the leads between the pounds or pots fifty (50) rods in length. Said net or string of nets shall not be less than twenty-five hundred (2,500) feet apart, nor within five hundred (500) feet of the mouth of any stream, and for every ten (10) miles of net set there shall remain an open space of five (5) miles where no net shall be set, which five (5) miles space shall be in excess of the twenty-five hundred (2,500) feet above mentioned. Any one desiring to use such nets or string of nets shall, before so doing, make written application for such privilege to the commission, setting forth therein the name of the applicant, the number of nets desired to be used, with an accurate description in detail of each net, the waters in which it is desired to set in, and a statement of the location of all other nets then in use in such waters situated within five thousand (5,000) feet of the place where it is desired to set such nets, which application shall be accompanied by a license fee of twenty-five dol-

344] OF MINNESOTA FOR 1905. 617

lars (\$25) for each net. The commission may issue a license to the applicant who shall be a citizen of the United States. Said license shall not be transferable and shall be good for one (1) fishing season only. Said license shall permit the use of so many of said nets at the place indicated in said application as the commission shall deem for the best interest of the state. Said commission shall retain twenty-five dollars (\$25) for each net so licensed. The commission shall not issue to any one person for the use or benefit of such applicant a license to use more than fifty (50) nets during a single fishing season and whenever more than one person shall apply for a license to fish in the same locality, the priority of such application shall be determined in such manner as the commission may designate. No such license shall be issued authorizing the use of any net or nets in international waters between the first day of April and the twentieth day of May following, and it shall be unlawful for any person to assist in placing or place any such net during such season :

Each applicant to whom a license is issued shall make a written report at the end of such fishing season to said commission, stating the number of nets used and where used by him, and the amount in number, kind and the pounds of each kind of fish taken by him in each net.

Report to
commission.

Any pound net, seine or dip net which is being used without a license or any pound net, seine or dip net which is being used in violation of a license, issued for its use, is hereby declared to be and is a public nuisance, and it shall be the duty of all the members of the commission, game wardens, sheriffs and their deputies, police officers and constables, without warrant or process, to take, seize, abate and destroy any and all of the same.

Seizure
without
warrant.

The commission, game wardens, sheriffs, and their deputies, police officers and constables, shall seize any and all nets and seines when illegally used and all fish taken therewith, and at once report the seizure to the commission.

Every person using, aiding or abetting the use of any such net contrary to the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of one hundred dollars (\$100) or by imprisonment in the county jail for ninety (90) days for each and every net so illegally used.

Misdemeanor
penalty.

Not within
400 feet.

SEC. 44. Fishing Near Fishways—No person shall catch, take or kill any fish in any lake or stream within four hundred (400) feet of any fishway, or have in his possession or under his control any fish so caught, taken or killed.

Prohibited.

SEC. 45. Use of Drugs, Dynamite, Traps, Etc.—No person shall lay, set, use or prepare any drug, poison, lime, medicated bait, fish berries, dynamite, or any other deleterious substance whatever, or lay, stretch or place any tip-up, trap, snare, set or trot-line, or any wire string, rope or cable of any sort in any of the waters of this state with intent to thereby or therewith catch, take or kill any fish.

SEC. 46. Fish Houses—No person shall erect, have or maintain upon the ice in any of the waters of this state any fish house, structure, enclosure or shelter whatever to protect the person of the occupant while engaged in fishing through the ice.

Exception.

Except, that on all inland lakes of this state, a fish house may be used for the purpose of taking pickerel, suckers and redhorse from the fifteenth of December to the first (day) of April following; *provided further*, that any person desiring to use such house shall first make application for a permit for such use to, and obtain such permit from, the game and fish commission, stating that the same is to be used by him for the purpose of obtaining fish for his domestic use and not for commercial purposes, which application shall be accompanied by a fee of one dollar, but no such person shall be permitted to use more than one fish house.

Sale or
shipment of.

SEC. 47. Sale of Trout, Black and Grey Bass—No person shall have in possession for sale, or with intent to sell, expose or offer for sale or sell to any person, any brook trout, or grey, black or Oswego bass, at any time, or ship, cause to be shipped, or have in possession with intent to ship to any person, either within or without the state, any such fish, or have any black, grey or Oswego bass in his possession during the season for taking the same, or any trout during the closed season, except they are caught in a private hatchery.

Return to
water fish
less than
6 inches.

SEC. 48. Size of Fish to be Taken—No person shall at any time catch, take, kill or have in possession or under control any fish for any purpose whatever, except minnows for bait, rock bass, sunfish and bullheads that are less than six inches in length. Any person catching such

fish shall at once return same to the water from which they are taken with as little injury as possible.

No person shall take, kill, have in possession for sale or with intent to sell, offer or expose for sale, or have in possession or under control for any purpose whatever any lake trout or whitefish of less than two pounds, round or undressed weight, or one and one-half pounds, dressed weight, or any wall-eyed pike of less than fourteen inches in length or one pound round or undressed weight, or any muskallonge less than thirty inches in length, or any blue pike or sangers of less than ten inches in length. Measurement in each case to be made from the tip of the snout to the fork of the tail. Any such fish when caught shall be immediately returned to the water.

Lake trout
or whitefish
less than
2 pounds.

Wall-eyed
pike less
than 14
inches.
Muskallonge
30 inches.
Blue pike
10 inches.

SEC. 49. Fishing in Lake Superior—Fish of any description shall not be caught with nets or seines in the waters of Lake Superior under the jurisdiction of the State of Minnesota, between the fifteenth day of October and the thirtieth day of November following. No person shall take, catch or have in possession or under his control for any purpose whatever, any sturgeon caught in Lake Superior prior to June 1st 1910.

Closed
season in
Lake Su-
perior.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than one hundred (100) nor more than five hundred (500) dollars, and costs of prosecution, or by imprisonment in the county jail for not less than thirty (30) nor more than ninety (90) days for each and every net so used, had or maintained.

Misdemeanor
penalty.

SEC. 50. Shipping Outside of State—No person shall ship, have in possession with intent to ship or cause to be shipped beyond the borders of this state any fish of the kinds mentioned in this chapter, except as herein provided, except that the commission may give a written permit to any responsible person (a bona fide resident of this state) to ship fish commonly known as bullheads, buffalo fish, carp, redhorse, suckers, sheephead, eel-pout, garfish, dogfish, sturgeon and catfish out of the state upon such reasonable conditions as it may adopt. *Provided further*, that any non-resident of this state who is desirous of taking any fish beyond its borders for his personal use may carry with him on the same train or conveyance, not to exceed fifty pounds of fish caught by him. *Provided further*, that all boxes and packages containing fish, or all boxes, bags, or packages of any description used

Permits
given resi-
dents to ship
certain
kinds.

As to non-
residents.

Packages
plainly
marked.

in shipping fish, either within or without this state, shall be plainly marked with the name and address of the consignor and consignee, and with the contents of the package.

In counties
of 150,000
and over.

SEC. 51. Sale of Fish Prohibited, When.—No person shall sell, have in possession with intent to sell, or offer for sale any fish caught in any lake situated partly or wholly within a county in this state that has a population of one hundred and fifty thousand, or over.

MISCELLANEOUS PROVISIONS.

Fifteen
birds in
one day.

Twenty-five
fish.
Exception.

SEC. 52. Game and Fish Taken in One Day.—No person shall wantonly waste or destroy any of the birds, animals or fish of the kinds mentioned in this chapter. The catching, taking or killing of more than fifteen birds by any one person in any one day, or the catching, taking or killing of more than twenty-five fish by any one person in any one day, except fish caught, taken or killed in the Mississippi river or international waters with nets or seines, as by this chapter permitted, shall be deemed a wanton waste, and destruction of all such birds or fish caught, taken or killed in excess of such number.

Hunting,
etc., pro-
hibited.

SEC. 53. State Parks.—No person shall pursue, hunt, take, catch, or kill any wild bird or animal of any kind within the limits of any territory set apart, designated, used or maintained as a state public park, or within one-half mile of the outer limits thereof or have any such bird or animal or any part thereof in his possession or under his control within said park or within one-half mile of said outer limits.

As to
fire arms.

No person shall have in his possession within any such park or within one-half mile of the outer limits thereof, any gun, revolver, or other firearm unless the same is unloaded, and except after the same has been sealed by the park commissioner or a deputy appointed by him, and except also such gun or other firearm at all times during which it may be lawfully had in such park remains so sealed and unloaded. Upon application to the park commissioner or any deputy appointed by him, it is hereby made his duty to securely seal any gun or firearm in such a manner that it cannot be loaded or discharged without breaking such seal. The provisions of this section shall apply to all persons including Indians.

To residents.

SEC. 54. Sale of Game by Commission.—The game and fish commission is hereby authorized to sell to resi-

dents of this state at the highest market price obtainable therefor, all furs, fish, game, game animals or game birds now or which may hereafter come into its possession. The proceeds thereof shall be turned into the state treasury and credited to the game and fish commission funds. A record of such sales, including the name of the purchaser and the price paid, shall be kept by the commission. Said commission shall, before selling, tag the same in a manner to be determined by it.

Proceeds
turned into
state treas-
ury, record
of sales.

SEC. 55. Game Shall Not be Resold—Fish, game, game animals and game birds, or any part thereof, sold pursuant to the terms of the foregoing section, shall not be resold, offered for sale or held for the purpose of sale, or otherwise disposed of, to any other person by said purchaser. Said game shall not be bought or taken into possession by any person other than said purchaser from the commission.

SEC. 56. Obstructing Commission—Gathering Spawn—No person shall obstruct the commission, its executive agent or any warden appointed by it while engaged in gathering fish spawn, nor shall any person place in any stream or river any logs or other debris at any time when said commission and its employees are gathering spawn, or about to gather spawn or catch fish for that purpose in any such stream or river. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor. The commission may institute a civil action in the name of the state to recover from any person or persons obstructing it in the performance of its duties, or who shall place logs or other debris in such stream, for all damages resulting therefrom, and in addition thereto may in such action enjoin such party or parties from doing the acts hereby prohibited.

Logs or
other debris
in rivers or
streams.

Prosecution.

SEC. 57. Appropriation—The sum of thirty-five thousand dollars (\$35,000), or so much thereof as may be necessary, is hereby appropriated annually, commencing August 1st, 1905, for the purpose of carrying on and enforcing the provisions of this chapter, to be paid for such purpose out of any moneys in the state treasury not otherwise appropriated.

\$35,000.
annually.

SEC. 58. Illegal Use of Coupons—Any person who uses any coupon described in this chapter other than those issued and delivered to him personally by the county auditor in the shipping or transporting of any game bird or animal or any part thereof, or uses such coupon for

Misdemeanor

any purpose or in any manner other than in this chapter authorized shall be guilty of a misdemeanor.

Procuring of
illegally,
penalty.

SEC. 59. Coupons—Conspiracy—Any person who solicits, or directly or indirectly procures the issuance and delivery of any such coupon to any fictitious person or persons other than himself and uses it in any manner, or who obtains possession of any such coupon and delivers it to any person, or who solicits or procures the shipment to himself or any third person, from another, of any game bird or game animal or any part thereof shall be guilty of a conspiracy to violate the game laws and upon conviction thereof shall be fined not less than fifty nor more than one hundred dollars for the first offense and confined in the county jail not less than sixty or over ninety days for the second offense, and confined in the state prison at Stillwater not less than sixty days for each subsequent offense.

Prohibited.

SEC. 60. Cold Storage—The placing or receiving within or storage of any game bird or game animal, or any part thereof, in any cold storage plant is hereby prohibited and made unlawful.

PENALTIES.

SEC. 61. Resisting Commissioner or Warden—Whoever shall resist or obstruct the executive agent of said commission, or any member thereof, or any warden or other officers of this state, in the discharge of his duties under this chapter, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than fifty (50) nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty (60) nor more than ninety (90) days for each and every offense.

Misde-
meanors.

SEC. 62. Killing, Selling, Buying or Shipping Moose and Deer—Any person who takes or kills, has in possession, has in possession with intent to sell, sells, offers or exposes for sale, ships by common carrier, conveys or causes to be conveyed, has in possession with intent to so ship, or to convey in any manner, to any point within or without this state, any moose, deer, or any part thereof, including the hides and horns, or any person who buys any such game animal, or any part thereof, in violation of any of the provisions of this chapter, or any common carrier or agent thereof who ships or aids or abets any person in shipping any such game animal or any part

thereof, or has possession of the same with intent to ship or transport or convey to any point either within or without this state, contrary to any of the provisions of this chapter, shall be guilty of a misdemeanor and be punished by a fine of not less than fifty (50) or more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty (30) nor more than ninety (90) days for each and every moose or deer, or any part thereof, including the hide and horns, taken, caught, killed, sold, offered or exposed for sale, had in possession, or had in possession with intent to sell, shipped by common carrier or conveyed in any manner, or had in possession with intent to so ship, or transport to any point within or without this state in violation of any provisions of this chapter; *provided, however*, that such fine shall not exceed two thousand (2,000) dollars, or such imprisonment exceed the term of one (1) year.

SEC. 63. Taking, Killing, Selling, or Shipping Game Birds and Fish—Any person who takes, catches, or kills, has in possession, or has in possession with intent to sell, sells, offers or exposes for sale, ships by common carrier, conveys or causes to be conveyed, has in possession with intent to so ship or convey to any point either within or without this state, any game bird or fish, or any part thereof, in violation of any of the provisions of this chapter, or any common carrier or agent thereof who aids or abets any person in shipping such game birds or fish, or has the same in possession with intent to ship or convey, to any point either within or without this state, contrary to any of the provisions of this chapter, shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not less than ten (10) nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) nor more than sixty (60) days for each and every game bird or fish or part thereof, taken, caught, killed, sold, offered or exposed for sale, had in possession, or had in possession with intent to sell, shipped by common carrier, or transported in any manner, or had in possession with intent to so ship or transport to any point within or without this state, in violation of any of the provisions of this chapter; *provided, however*, that such fine shall not exceed two thousand (2,000) dollars or such imprisonment exceed the term of one (1) year.

SEC. 64. Attempts—Any attempt to violate any of the provisions of any section of this chapter shall be deemed a violation of such provision, and any person attempting to violate any of the provisions of any section of this chapter shall be guilty of a misdemeanor, and upon conviction thereof punished by a fine of not less than ten (10) nor more than fifty (50) dollars, and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) nor more than sixty (60) days for each and every offense.

SEC. 65. Hunting Without License—Any person, either a resident or non-resident of this state who shall hunt, take or kill any of the game birds or game animals in this state, without having first procured a license therefor as provided in this chapter, shall be guilty of a misdemeanor, and upon conviction thereof, punished by a fine of not less than twenty-five (25) nor more than one hundred (100) dollars, and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) nor more than ninety (90) days for each and every offense.

SEC. 66. Harmless Birds.—Any person who takes, catches, kills, ships or causes to be shipped to any person within or without this state, purchases, offers, or exposes for sale, sells, has in possession, has in possession with intent to sell, any harmless bird, either living or dead, or any part thereof, in violation of the terms of section thirty-nine (39) of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof punished by a fine of not less than ten (10) nor more than twenty-five (25) dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty (30) days, for each and every bird or any part thereof so caught, taken, killed, shipped or caused to be shipped to any person, either within or without this state, purchased or sold to any one, had in possession, had in possession with intent to sell, offered or exposed for sale, or had in possession or under his control. This section shall not be construed to apply to the keeping or selling of parrots or song birds as domestic pets.

Domestic
pets.

SEC. 67. General Penalty—Any person who violates any provision of this chapter for which a penalty has not been heretofore specifically provided, shall be guilty of a misdemeanor, and be punished by a fine of not less than ten (10) nor more than fifty (50) dollars and costs of

345]

OF MINNESOTA FOR 1905.

625

prosecution, or by imprisonment in the county jail for not less than thirty (30) nor more than sixty (60) days.

SEC. 68. All acts and parts of acts inconsistent with the provisions of this chapter, are hereby repealed.

SEC. 69. This act shall take effect and be in force from and after its passage.

Approved April 19, 1905.

CHAPTER 345.

S. F. No. 218.

An act to amend chapter 261 of the General Laws of Minnesota for 1903, entitled "An act abolishing days of grace and fixing the maturity of negotiable instruments and other evidences of indebtedness." Days of grace.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That chapter 261 of the General Laws of Minnesota for 1903, entitled "An act abolishing days of grace and fixing the maturity of negotiable instruments and other evidences of indebtedness, except drafts drawn at sight," be and the same is hereby amended as follows:

That section one (1), of said chapter 261 be and the same is hereby amended to read as follows:

Section 1. No promissory note, draft, check, acceptance, bill of exchange or other evidence of indebtedness, shall be entitled to days of grace, but the same shall be payable at the time fixed therein without grace.

That section two (2) of said chapter 261 be and the same is hereby amended so as to read as follows:

Section 2. All promissory notes, drafts, checks, acceptances, bills of exchange, or other evidences of indebtedness, falling due or maturing on Good Friday, Thanksgiving Day, Sunday, or on any legal holiday, shall be deemed due or maturing on the next succeeding business day; and when Sunday and one or more legal holidays, or two or more legal holidays, fall on the same day, the following day shall be deemed a legal holiday, and when Sunday and one or more legal holidays, or two or more legal holidays, immediately succeed each other, then such instrument, paper or indebtedness shall be deemed as due or maturing on the day following the last of such days. Maturity of negotiable instruments.